

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANDELL MITCHELL, *individually and on
behalf of all others similarly situated*,

Plaintiff,

– *against* –

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

ORDER

20 Civ. 8496 (ER)

RAMOS, D.J.:

On October 12, 2020, Mandell Mitchell brought this putative class action against Whole Foods Market Group, Inc. (“Whole Foods”), alleging that the representations on the label of certain Whole Foods’ ice cream bars are misleading in violation of Sections 349 and 350 of the New York General Business Law, along with other claims. Doc. 1. In an opinion and order dated March 4, 2022, the Court dismissed all of Mitchell’s claims and granted him leave to replead by March 18, 2022. *See* Doc. 27. The Court’s order specifically concluded, “Mitchell is directed to file an amended complaint, if at all, by March 18, 2022. If he does not, the case will be closed.” *Id.* at 27.

Mitchell has neither filed any amended complaint nor requested an extension of time to do so. Accordingly, the Court hereby dismisses this action without prejudice. The Clerk of Court is respectfully directed to close the case.

It is SO ORDERED.

Dated: April 7, 2022
New York, New York



EDGARDO RAMOS, U.S.D.J.